

REMARKS

Amendment summary

Claim 37 is amended to recite that the anode material comprises a particulate composite which comprises an Si oxide and at least one metal selected from the group consisting of Pd, Pt, Au, Rh, Ir, Ru, Os and Re. Support for this amendment may be found at least, e.g., at page 3, lines 12-14 of the present specification.

Claims 38-40 are canceled.

Claims 41-48 are newly added. Support for these claims may be found at least, e.g., on pages 3-4 of the present specification.

No new matter is added by this Amendment, and Applicants respectfully submit that entry of this Amendment is proper.

Response to rejection of claims 39 and 40 under 35 U.S.C. § 112

Claims 39 and 40 have been rejected under 35 U.S.C. § 112, as allegedly failing to comply with the written description requirement. Claims 39 and 40 are canceled by this Amendment, and Applicants respectfully submit that this rejection has been rendered moot.

Response to rejection of claims 37 and 38 under 35 U.S.C. § 112

Claims 37 and 38 have been rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for including both “consisting of” and “comprising” in the claims. Applicants note that claim 37 has been amended to remove this discrepancy, and that claim 38 has been canceled. Applicants therefore respectfully request the reconsideration and withdrawal of this rejection.

Response to rejections based on Inoue

Claims 37 and 38 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Inoue et al. (JP 09245771) (hereinafter “Inoue”). In addition, claims 39 and 40 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue in view of Yamamoto et al. (U.S. Patent Application Publication No. 2003/0054249) (hereinafter “Yamamoto”). Applicants respectfully traverse. Claims 38-40 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gan et al. (U.S. Patent Application Publication No. 2002/0061446) (hereinafter “Gan”).

As an initial matter, Applicants note that claims 38-40 have been canceled, thus rendering the rejection of these claims moot.

Claim 37 recites an anode material for a secondary battery which is used for an anode in a non-aqueous electrolyte secondary battery having at least the anode, a cathode and a lithium-ion conducting non-aqueous electrolyte, comprising a particulate composite which comprises an Si oxide and at least one metal selected from the group consisting of Pd, Pt, Au, Rh, Ir, Ru, Os and Re.

Applicants respectfully traverse on the basis that the cited art fails to disclose or suggest the presence of Pd, Pt, Au, Rh, Ir, Ru, Os and Re. Accordingly, Applicants respectfully submit that the presently claimed invention is not anticipated or rendered obvious by the cited art. Applicants therefore respectfully request the reconsideration and withdrawal of these rejections.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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